

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**JASON J. McDONNELL,**

**Plaintiff,**

**V.**

**JAIL COMMANDER McCARTY, et al.,**

**Defendants.**

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**CIVIL ACTION NO.: 1:06-cv-347-MEF**

**AFFIDAVIT**

STATE OF ALABAMA,

HOUSTON COUNTY.

Before me, the undersigned authority for administering oaths, personally appeared **William B. McCarty** of the Houston County Sheriff's Department, who is the Commander-Jail Operations for the Houston County Sheriff, Houston County, Alabama, who being by me first duly sworn, deposes and says as follows:

I am William B. McCarty and I am the Commander-Jail Operations of the Houston County Jail, Houston County, Alabama and have been employed by the Houston County Sheriff since June of 2004. My principal duties involve the administration of the Houston County Jail. Unless otherwise indicated herein, I have personal knowledge of the facts and information contained herein. I make this affidavit after review of the plaintiff's jail inmate file and the subject matter of plaintiff's

Complaint in an attempt to address plaintiff's claims in this case.

Until the plaintiff filed an inmate grievance with me, I was not personally aware that the plaintiff was incarcerated in the Houston County Jail. Upon receipt of the grievance from the plaintiff, I checked with our records officer, Sgt. Davis and was informed that the plaintiff had his first appearance in 2004 and that he was currently in the jail because he had a court date set to which he had failed to appear. I was also advised that the plaintiff's attorney was Shaun McGhee. I replied to the plaintiff's grievance informing the plaintiff that he had already had a first appearance before the Court in 2004. I also advised the plaintiff that for further explanation, he should contact his court-appointed attorney.

On May 4, 2006, I received a request from the county's attorney, Gary Sherrer, requesting copies of the plaintiff's inmate file and copies of any and all grievances filed by the plaintiff. After diligent search of the jail's records, the grievance filed by the plaintiff cannot be located as it has most likely been misfiled. At the request of the county attorney, I prepared a memo to the plaintiff's inmate file setting forth the details related to the plaintiff's grievance and our inability to locate a copy of same. A true and correct copy of my memo is contained in the plaintiff's jail inmate file.

I am one of the custodians of the records maintained by the Houston County Jail. A true and correct copy of the plaintiff's jail inmate file as maintained by the officers of the Houston County Jail in the ordinary course of the Jail's day to day business is attached hereto as **Exhibit A**, and is incorporated herein by reference as if fully set forth.

  
WILLIAM B. McCARTY

STATE OF ALABAMA,

HOUSTON COUNTY.

Before me, the undersigned authority, personally appeared **William B. McCarty**, who being sworn by me according to law, deposes and states that the matters and things alleged in the above Affidavit are true and correct to the best of his information, knowledge and belief.

Sworn to and subscribed before me on this the 30<sup>th</sup> day of May, 2006.

  
NOTARY PUBLIC  
My Commission Expires: 12-9-08